

## STATE OF MINNESOTA

## EIGHTY-FIFTH SESSION — 2008

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 ONE HUNDRED SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 23, 2008

The House of Representatives convened at 9:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Robert Griggs, St. Louis Park, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dill	Haws	Lenczewski	Olin	Simpson
Anderson, B.	Dittrich	Heidgerken	Liebling	Olson	Slawik
Anderson, S.	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Anzelc	Doty	Hilty	Lillie	Ozment	Smith
Atkins	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Benson	Eastlund	Hoppe	Madore	Paymar	Swails
Berns	Eken	Hornstein	Magnus	Pelowski	Thao
Bigham	Emmer	Hortman	Mahoney	Peppin	Thissen
Bly	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Brod	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Brown	Faust	Huntley	Masin	Peterson, S.	Tschumper
Brynaert	Finstad	Jaros	McFarlane	Poppe	Urdahl
Buesgens	Fritz	Johnson	McNamara	Rukavina	Wagenius
Bunn	Gardner	Juhnke	Moe	Ruth	Ward
Carlson	Garofalo	Kahn	Morgan	Ruud	Wardlow
Clark	Gottwalt	Kalin	Morrow	Sailer	Welti
Cornish	Greiling	Knuth	Mullery	Scalze	Westrom
Davnie	Gunther	Koenen	Murphy, E.	Seifert	Winkler
Dean	Hackbarth	Kohls	Murphy, M.	Sertich	Wollschlager
DeLaForest	Hamilton	Kranz	Nelson	Severson	Zellers
Demmer	Hansen	Laine	Nornes	Shimanski	Spk. Kelliher
Dettmer	Hausman	Lanning	Norton	Simon	

A quorum was present.

Beard, Lesch and Walker were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peppin moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

**REPORTS OF CHIEF CLERK**

S. F. No. 2795 and H. F. No. 3134, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Thissen moved that the rules be so far suspended that S. F. No. 2795 be substituted for H. F. No. 3134 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2942 and H. F. No. 3349, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Rukavina moved that the rules be so far suspended that S. F. No. 2942 be substituted for H. F. No. 3349 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2965 and H. F. No. 3448, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Tingelstad moved that the rules be so far suspended that S. F. No. 2965 be substituted for H. F. No. 3448 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3683 and H. F. No. 3902, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Juhnke moved that the rules be so far suspended that S. F. No. 3683 be substituted for H. F. No. 3902 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 17, 2008

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 1314, relating to commerce; regulating the advertising and conducting of certain live musical performances or productions.

H. F. No. 2599, relating to local government; increasing amount that counties may appropriate for Memorial Day observances.

H. F. No. 3138, relating to state government; requiring the legislative auditor to establish a compensation plan for employees of the auditor, subject to legislative review and approval; ratifying state labor contracts.

H. F. No. 3357, relating to municipal boundary adjustments; providing for changes in municipal boundaries; imposing powers and duties on the chief administrative law judge.

Sincerely,

TIM PAWLENTY  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2008 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
1218		190	8:42 a.m. April 17	April 17
	1314	191	8:15 a.m. April 17	April 17
	2599	192	3:40 p.m. April 17	April 17
	3138	194	8:17 a.m. April 17	April 17
2402		195	3:55 p.m. April 17	April 17
	3357	196	8:19 a.m. April 17	April 17
2806		197	8:22 a.m. April 17	April 17
3084		198	8:22 a.m. April 17	April 17
1018		199	8:25 a.m. April 17	April 17
1436		200	8:27 a.m. April 17	April 17
3070		201	8:30 a.m. April 17	April 17
3135		202	8:32 a.m. April 17	April 17
3397		203	8:34 a.m. April 17	April 17
3202		204	8:35 a.m. April 17	April 17

3362	205	8:36 a.m. April 17	April 17
2755	206	8:36 a.m. April 17	April 17
3622	207	8:40 a.m. April 17	April 17

Sincerely,

MARK RITCHIE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

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<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
2822		208	2:20 p.m. April 18	April 18
1918		212	10:49 a.m. April 18	April 18

Sincerely,

MARK RITCHIE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

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<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
3474		209	11:40 a.m. April 21	April 21
2930		210	11:41 a.m. April 21	April 21
1578		211	11:45 a.m. April 21	April 21

Sincerely,

MARK RITCHIE  
Secretary of State

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3034, A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; 327.32, subdivision 1; 327.33, by adding subdivisions; 327A.04, subdivision 2; 327A.07; 327B.06, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 181.723, subdivision 2; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 2, 3, by adding a subdivision; 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50; 326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.841; 326.86, subdivision 1; 326.87, subdivision 5; 326.93, subdivision 4; 326.94, subdivision 2; 326.97, subdivision 1a; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.42, by adding a subdivision; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3292, A bill for an act relating to education; managing school trust fund lands; improving the returns for school trust fund lands; redefining the mission of the Permanent School Fund Advisory Committee; providing a report; amending Minnesota Statutes 2006, sections 16A.06, by adding a subdivision; 84.027, by adding a subdivision; 127A.30.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3380, A bill for an act relating to human services; revising requirements for county-based purchasing for state health care programs; amending Minnesota Statutes 2006, sections 13.461, by adding a subdivision; 256B.69, subdivision 5a, by adding subdivisions; 256B.692, subdivision 2, by adding a subdivision; 256L.12, subdivision 9; Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4; Laws 2005, First Special Session chapter 4, article 8, section 84, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4, is amended to read:

Subd. 4. **Limitation of choice.** (a) The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6.

(b) The commissioner shall exempt the following persons from participation in the project, in addition to those who do not meet the criteria for limitation of choice:

- (1) persons eligible for medical assistance according to section 256B.055, subdivision 1;
- (2) persons eligible for medical assistance due to blindness or disability as determined by the Social Security Administration or the state medical review team, unless:
  - (i) they are 65 years of age or older; or
  - (ii) they reside in Itasca County or they reside in a county in which the commissioner conducts a pilot project under a waiver granted pursuant to section 1115 of the Social Security Act;
- (3) recipients who currently have private coverage through a health maintenance organization;
- (4) recipients who are eligible for medical assistance by spending down excess income for medical expenses other than the nursing facility per diem expense;
- (5) recipients who receive benefits under the Refugee Assistance Program, established under United States Code, title 8, section 1522(e);
- (6) children who are both determined to be severely emotionally disturbed and receiving case management services according to section 256B.0625, subdivision 20, except children who are eligible for and who decline enrollment in an approved preferred integrated network under section 245.4682;
- (7) adults who are both determined to be seriously and persistently mentally ill and received case management services according to section 256B.0625, subdivision 20;
- (8) persons eligible for medical assistance according to section 256B.057, subdivision 10; and
- (9) persons with access to cost-effective employer-sponsored private health insurance or persons enrolled in a non-Medicare individual health plan determined to be cost-effective according to section 256B.0625, subdivision 15.

Children under age 21 who are in foster placement may enroll in the project on an elective basis. Individuals excluded under clauses (1), (6), and (7) may choose to enroll on an elective basis. The commissioner may enroll recipients in the prepaid medical assistance program for seniors who are (1) age 65 and over, and (2) eligible for medical assistance by spending down excess income.

(c) The commissioner may allow persons with a one-month spenddown who are otherwise eligible to enroll to voluntarily enroll or remain enrolled, if they elect to prepay their monthly spenddown to the state.

(d) The commissioner may require those individuals to enroll in the prepaid medical assistance program who otherwise would have been excluded under paragraph (b), clauses (1), (3), and (8), and under Minnesota Rules, part 9500.1452, subpart 2, items H, K, and L.

(e) Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. The commissioner may assign an individual with private coverage through a health maintenance organization, to the same health maintenance organization for medical assistance coverage, if the health maintenance organization is under contract for medical assistance in the individual's county of residence. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner. If a demonstration provider ends participation in the project for any reason, a recipient enrolled with that provider must select a new provider but may change providers without cause once more within the first 60 days after enrollment with the second provider.

(f) An infant born to a woman who is eligible for and receiving medical assistance and who is enrolled in the prepaid medical assistance program shall be retroactively enrolled to the month of birth in the same managed care plan as the mother once the child is enrolled in medical assistance unless the child is determined to be excluded from enrollment in a prepaid plan under this section.

(g) The commissioner shall assign an eligible individual, in the absence of a specific managed care plan choice by the individual, to the county-based purchasing health plan in Olmsted, Winona, Houston, Fillmore, and Mower Counties.

**EFFECTIVE DATE.** This section is effective upon federal approval.

Sec. 2. Laws 2005, First Special Session chapter 4, article 8, section 84, as amended by Laws 2006, chapter 264, section 15, is amended to read:

Sec. 84. **SOLE-SOURCE OR SINGLE-PLAN MANAGED CARE CONTRACT.**

(a) Notwithstanding Minnesota Statutes, section 256B.692, subdivision 6, clause (1), paragraph (c), the commissioner of human services shall approve a county-based purchasing health plan proposal, submitted on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties, that requires county-based purchasing on a single-plan basis contract if the implementation of the single-plan purchasing proposal does not limit an enrollee's provider choice or access to services and all other requirements applicable to health plan purchasing are satisfied. The commissioner shall continue, until December 31, 2010, single health plan purchasing arrangements with county-based purchasing entities in the service areas in existence on May 1, 2006, including arrangements for which a proposal was submitted by May 1, 2006, on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties, in response to a request for proposals issued by the commissioner.

(b) Notwithstanding Minnesota Statutes, section 256B.692, subdivision 6, clause (1)(c), the commissioner of human services shall approve a county-based purchasing health plan proposal submitted on behalf of Winona, Houston, Fillmore, and Mower Counties for medical assistance, MinnesotaCare, general assistance medical care,

and other prepaid health care programs administered by the commissioner of human services if the implementation of the proposal does not limit an enrollee's provider choice or access to services, and all other requirements applicable to health plan purchasing are satisfied.

(c) The commissioner shall develop a plan to reopen all counties for competitive reprocurement every five years, beginning in 2011.

(d) The commissioner shall consider, and may approve, contracting on a single-health plan basis with county-based purchasing plans, or with other qualified health plans that have coordination arrangements with counties, to serve persons with a disability who voluntarily enroll, in order to promote better coordination or integration of health care services, social services and other community-based services, provided that all requirements applicable to health plan purchasing, including those in Minnesota Statutes, section 256B.69, subdivision 23, are satisfied. ~~By January 15, 2007, the commissioner shall report to the chairs of the appropriate legislative committees in the house and senate an analysis of the advantages and disadvantages of using single health plan purchasing to serve persons with a disability who are eligible for health care programs. The report shall include consideration of the impact of federal health care programs and policies for persons who are eligible for both federal and state health care programs and shall consider strategies to improve coordination between federal and state health care programs for those persons.~~

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3437, A bill for an act relating to natural resources; providing a process for designating star lakes and rivers; allowing for placement of star lake and river signs on highways; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 103B; 173.

Reported the same back with the following amendments:

Page 3, line 32, after the period, insert "The Department of Transportation must bill the cost of the signs erected under this section to the requester."

Page 4, delete section 4

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3498, A bill for an act relating to public safety; authorizing compensation for members of Firefighter Training and Education Board; amending Minnesota Statutes 2006, section 299N.02, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3587, A bill for an act relating to state government; specifying the development of budget recommendations and requiring state agencies to provide information; amending Minnesota Statutes 2006, section 3.885, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 3.885, is amended by adding a subdivision to read:

Subd. 10. **Budget development.** The commission or appropriate committee of the house of representatives or senate may develop budget recommendations to present to the legislature. If the commission or committees proceed with the development of budget recommendations, state agencies must provide requested information. That information includes the base budget, information on how the base budget is determined and how it is allocated, recommendations from agency staff for changes in the base level appropriations to improve agency operations and efficiency or to improve or increase efficiency of programs operated by the agency, and responses to proposals for reductions in agency budgets.

Sec. 2. Minnesota Statutes 2006, section 3.885, is amended by adding a subdivision to read:

Subd. 11. **Subcommittee on Government Accountability.** The commission must form a Subcommittee on Government Accountability under section 3.3056 to review recommendations from the commissioner of finance under section 16A.10, subdivision 1c, and to review recommendations from the commissioners of finance and administration on how to improve the use of Minnesota Milestones and other statewide goals and indicators in state planning and budget documents. The subcommittee shall consider testimony from representatives from the following organizations and agencies: (1) nonprofit organizations involved in the preparation of Minnesota Milestones; (2) the University of Minnesota and other higher education institutions; (3) the Department of Finance and other state agencies; and (4) other legislators. The subcommittee shall report to the commission by February 1 of each odd-numbered year with long-range recommendations for the further implementation and uses of Minnesota Milestones and other government accountability improvements.

Sec. 3. Minnesota Statutes 2006, section 3.987, subdivision 1, is amended to read:

Subdivision 1. **Local impact notes.** The commissioner of finance shall coordinate the development of a local impact note for any proposed legislation introduced after June 30, 1997, or any rule proposed after December 31, 1999, upon request of the chair or the ranking minority member of either legislative Tax or Finance Committee or the house Committee on Ways and Means. Upon receipt of a request to prepare a local impact note, the commissioner must notify the authors of the proposed legislation or, for an administrative rule, the head of the relevant executive agency or department, that the request has been made. The local impact note must be made

available to the public upon request. If the action is among the exceptions listed in section 3.988, a local impact note need not be requested nor prepared. The commissioner shall make a reasonable and timely estimate of the local fiscal impact on each type of political subdivision that would result from the proposed legislation. The commissioner of finance may require any political subdivision or the commissioner of an administrative agency of the state to supply in a timely manner any information determined to be necessary to determine local fiscal impact. The political subdivision, its representative association, or commissioner shall convey the requested information to the commissioner of finance with a signed statement to the effect that the information is accurate and complete to the best of its ability. The political subdivision, its representative association, or commissioner, when requested, shall update its determination of local fiscal impact based on actual cost or revenue figures, improved estimates, or both. Upon completion of the note, the commissioner must provide a copy to the authors of the proposed legislation, as well as the chair and ranking minority member of all committees to which a bill is referred, or, for an administrative rule, to the head of the relevant executive agency or department.

Sec. 4. Minnesota Statutes 2006, section 16A.10, subdivision 1, is amended to read:

Subdivision 1. **Budget format.** In each even-numbered calendar year the commissioner shall prepare budget forms and instructions for all agencies, including guidelines for reporting agency performance measures, subject to the approval of the governor. In addition to review required under subdivision 1c, the commissioner shall request and receive advisory recommendations from the chairs of the senate Finance Committee and house of representatives Ways and Means Committee before adopting a format for the biennial budget document. By June 15, the commissioner shall send the proposed budget forms to the appropriations and finance committees. The committees have until July 15 to give the commissioner their advisory recommendations on possible improvements. To facilitate this consultation, the commissioner shall establish a working group consisting of executive branch staff and designees of the chairs of the senate Finance and house of representatives Ways and Means Committees. The commissioner must involve this group in all stages of development of budget forms and instructions. The budget format must show actual expenditures and receipts for the most recent fiscal year, estimated expenditures and receipts for the current fiscal year, and estimates for each fiscal year of the next biennium. Estimated expenditures must be classified by funds and character of expenditures and may be subclassified by programs and activities. Agency revenue estimates must show how the estimates were made and what factors were used. Receipts must be classified by funds, programs, and activities. Expenditure and revenue estimates must be based on the law in existence at the time the estimates are prepared.

Sec. 5. Minnesota Statutes 2006, section 16A.10, subdivision 1a, is amended to read:

Subd. 1a. **Purpose of performance data.** Performance data shall be presented in the budget proposal to:

- (1) provide information so that the legislature can determine the extent to which state programs are successful;
- (2) encourage agencies to develop clear goals and objectives for their programs; ~~and~~
- (3) strengthen accountability to Minnesotans by providing a record of state government's performance in providing effective and efficient services; and
- (4) provide information so that the legislature can determine the extent to which agency resources are being used to achieve performance goals.

Sec. 6. Minnesota Statutes 2006, section 16A.10, subdivision 1c, is amended to read:

Subd. 1c. **Performance measures for change items.** For each change item in the budget proposal requesting new or increased funding, the budget document must present proposed performance measures that can be used to determine if the new or increased funding is accomplishing its goals. To the extent possible, each budget change

item must identify relevant Minnesota Milestones and other statewide goals and indicators related to the proposed initiative. By June 15 of each even-numbered year, the commissioner must report to the Subcommittee on Government Accountability established under section 3.885, subdivision 10, regarding the format and process to be used for the presentation and selection of Minnesota Milestones and other statewide goals and indicators. By July 15 of each even-numbered year, the subcommittee must approve the format and process for use in the preparation of the budget documents.

Sec. 7. **[16A.107] CASH FLOW FORECAST.**

Within 30 days after the November forecast of state revenue and expenditures under section 16A.103, the commissioner shall deliver to the governor and the legislature a forecast of cash flow for the general fund, showing the expected maximum and minimum cash balance in the fund for each month of the forecast period.

Sec. 8. Minnesota Statutes 2006, section 16A.11, is amended by adding a subdivision to read:

Subd. 8. **Deficiency requests.** By January 15 of each year, the commissioner of finance must notify the chair of the senate Finance Committee and the chair of the house Ways and Means Committee of any budget change requests requiring priority attention to eliminate budget shortfalls likely to occur before the end of the legislative session, or for which legislative inaction would result in the suspension of agency or program operations.

Sec. 9. **[43A.015] DUTIES AND RIGHTS OF EXECUTIVE EMPLOYEES.**

(a) Except as provided in paragraph (b), executive branch state employees are expected during their work hours to be nonpartisan resources to all decision makers, and to provide timely, professional assistance to both executive and legislative decision makers and their staff in understanding the current service and finance system and the potential impact of changes on these systems. Workload concerns related to these requests shall be mediated, if necessary, by management staff in a manner that does not advantage any particular set of decision makers, but allows for balanced support and adequate attention to the ongoing responsibilities of the agency. This section does not authorize or require an employee to disclose data that is not public data under chapter 13.

(b) If an executive branch employee's responsibilities include advocating for the appointing authority's policy goals or political goals, these responsibilities must be included in a position description that is available to the public. A managerial employee must not request an executive branch state employee to advocate policy or political goals during hours of work, except according to the employee's position description.

Sec. 10. Minnesota Statutes 2007 Supplement, section 181.932, subdivision 1, is amended to read:

Subdivision 1. **Prohibited action.** An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

(a) the employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal or state law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;

(b) the employee is requested by a public body or office to participate in an investigation, hearing, inquiry;

(c) the employee refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;

(d) the employee, in good faith, reports a situation in which the quality of health care services provided by a health care facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm; ~~or~~

(e) a public employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a governmental body or law enforcement official; or

(f) an employee in the executive branch of state government communicates information that the employee, in good faith, believes to be truthful and accurate, and that relates to improving services provided by the executive branch, to: (1) a legislator or an employee in the legislative branch; or (2) an elected official in the executive branch.

The disclosures protected pursuant to this section do not authorize the disclosure of data otherwise protected by law.

Sec. 11. Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended by Laws 2007, chapter 29, section 1, subdivision 4, is amended to read:

Subd. 4. **Duties.** The commission shall have the following duties:

(1) to present to the governor and legislature a plan for grants to pay for capital improvements on Minnesota's historic public and private buildings, to be known as sesquicentennial grants;

(2) to seek funding for activities to celebrate the 150th anniversary of statehood, and to form partnerships with private parties to further this mission;

(3) to present an annual report to the governor and legislature outlining progress made towards the celebration of the sesquicentennial; ~~and~~

(4) to encourage all activities celebrating the sesquicentennial to be as energy efficient as practicable; and

(5) to solicit input and suggestions from communities throughout the state during the sesquicentennial celebration regarding the selection and use of Minnesota Milestones goals and indicators.

Sec. 12. **WORKING GROUP FOR MINNESOTA MILESTONES PROCESS AND INDICATORS.**

By June 1, 2008, the commissioner of finance shall convene a working group of state agency staff, legislative staff, and other interested parties to assist in the preparation of recommendations for the Minnesota Milestones report required under Minnesota Statutes, section 16A.10, subdivision 1c. The working group shall consider collaborative opportunities with community organizations and higher education institutions. The working group expires 30 days after the commissioner has submitted recommendations required under Minnesota Statutes, section 16A.10, subdivision 1c."

Delete the title and insert:

"A bill for an act relating to state government; specifying budget development; establishing a Subcommittee on Government Accountability; aligning performance goals and agency resources; requiring a cash flow forecast; requiring certain duties and establishing certain rights for executive employees; amending Minnesota Statutes 2006, sections 3.885, by adding subdivisions; 3.987, subdivision 1; 16A.10, subdivisions 1, 1a, 1c; 16A.11, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 181.932, subdivision 1; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 16A; 43A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3685, A bill for an act relating to environment; modifying toxic chemical release reporting requirements; amending Minnesota Statutes 2006, section 299K.08, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3729, A bill for an act relating to energy; establishing Legislative Energy Commission; abolishing Legislative Electric Energy Task Force; making conforming correction; appropriating money; amending Minnesota Statutes 2006, section 216B.2424, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 2006, section 216C.051, subdivisions 3, 4a, 6, 7, 8; Minnesota Statutes 2007 Supplement, section 216C.051, subdivisions 2, 8a, 9.

Reported the same back with the following amendments:

Page 1, line 24, delete "task force" and insert "commission"

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3955, A bill for an act relating to human services; modifying regulations of certain home care service providers; promoting community-based care for older adults through the establishment of community consortiums; requiring reports; amending Minnesota Statutes 2006, section 144A.45, subdivision 1, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 4100, A bill for an act relating to transportation; establishing driver and vehicle services technology account; imposing technology surcharge; adjusting certain fees; amending Minnesota Statutes 2006, sections 168.013, by adding a subdivision; 168A.29, as amended; 299A.705, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 171.06, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 19, delete "\$7.25" and insert "\$8"

Page 2, line 4, delete "\$6.50" and insert "\$7.25"

Page 2, line 9, delete "\$8.25" and insert "\$9"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 2706, A bill for an act relating to energy; providing for development and application of building energy usage performance standards; amending Minnesota Statutes 2006, section 16B.325; Minnesota Statutes 2007 Supplement, section 216B.241, subdivision 1e, by adding a subdivision.

Reported the same back with the recommendation that the first unofficial engrossment pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 2786, A bill for an act relating to occupations; modifying effective dates for restricted plumber licenses; amending Minnesota Statutes 2007 Supplement, section 326.402, subdivisions 1, 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 3034, 3292, 3380, 3437, 3498, 3587, 3729 and 3955 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 2795, 2942, 2965, 3683, 2706 and 2786 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Zellers, Simpson, Emmer, Brod, Gottwalt, Finstad, Eastlund, Gunther, Erickson, Drazkowski, Nornes, Wardlow, Severson, Kohls, Demmer and McNamara introduced:

H. F. No. 4208, A bill for an act relating to taxation; modifying the provisions of the international economic development zone; repealing the corporate franchise tax; amending Minnesota Statutes 2006, sections 272.02, subdivision 83; 290.06, subdivision 2c, as amended; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091,

subdivision 2, as amended; 297A.68, subdivision 41; 469.321, subdivision 6; 469.322; 469.324; 469.327, subdivisions 1, 2; 469.328, subdivision 1; 469.329; Minnesota Statutes 2007 Supplement, section 290.01, subdivision 19b, as amended; repealing Minnesota Statutes 2006, sections 289A.08, subdivision 3; 289A.26; 290.01, subdivisions 19c, 19d; 290.014, subdivision 5; 290.02; 290.06, subdivision 1; 290.0921; 290.0922; 290.093; 290.21; 290.34; 290.36; 290.371; 290.432; 469.321, subdivisions 2, 3, 7, 8, 9; 469.3215; 469.323; 469.325; 469.326.

The bill was read for the first time and referred to the Committee on Taxes.

Davnie, Greiling, Mariani, Morrow, Slawik and Anzelc introduced:

H. F. No. 4209, A bill for an act relating to education finance; expanding the tax levy for school district judgments; amending Minnesota Statutes 2006, section 126C.43, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Davnie introduced:

H. F. No. 4210, A bill for an act relating to taxation; increasing area of homeless TIF district in Minneapolis; amending Laws 2006, chapter 259, article 10, section 14, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn, Greiling, Westrom and Davnie introduced:

H. F. No. 4211, A bill for an act relating to housing; requiring heating facilities in rental property; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 504B.

The bill was read for the first time and referred to the Housing Policy and Finance and Public Health Finance Division.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Thissen.

Thao was excused between the hours of 10:35 a.m. and 12:05 p.m.

The following Conference Committee Report was received:

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 3662

A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision.

April 21, 2008

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H. F. No. 3662 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 3662 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 375.101, subdivision 4, is amended to read:

Subd. 4. **Option for filling vacancies; appointment.** Except as provided in subdivision 3, and as an alternative to the procedure provided in subdivisions 1 and 2, any other vacancy in the office of county commissioner may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. ~~If the vacancy occurs before the first day to file affidavits of candidacy for the next county general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the county general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the county general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the county general election. If one year or more remains in the unexpired term, a special election must be held under subdivision 1. If less than one year remains in the unexpired term, the county board may appoint a person to fill the vacancy for the remainder of the unexpired term, unless the vacancy occurs within 90 days of the next county general election, in which case an appointment shall not be made and the vacancy must be filled at the general election. The person elected to fill a vacancy at the general election takes office immediately in the same manner as for a special election under subdivision 1, and serves the remainder of the unexpired term and the new term for which the election was otherwise held.~~

Sec. 2. Minnesota Statutes 2006, section 375.101, is amended by adding a subdivision to read:

Subd. 5. **County boards.** Before making an appointment to fill a vacancy under subdivision 4, the county board must hold a public hearing not more than 30 days after the vacancy occurs with public notice given in the same manner as for a special meeting of the county board. At the public hearing the board must invite public testimony from persons residing in the district in which the vacancy occurs relating to the qualifications of prospective appointees to fill the vacancy. Before making an appointment, the board also must notify public officials in the affected district on the appointment, including town board and city council members, and must enter into the record at the board meeting in which the appointment is made the names and addresses of the public officials notified. If

after the public hearing, the board is unable or decides not to make an appointment under subdivision 4, it must hold a special election under subdivision 1, but the time period in which the election must be held begins to run from the date of the public hearing."

Delete the title and insert:

"A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; changing the time period in which an appointment may be made; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 375.101, subdivision 4."

We request the adoption of this report and repassage of the bill.

House Conferees: BILL HILTY, WILL MORGAN AND LARRY HOWES.

Senate Conferees: TONY LOUREY, RICK E. OLSEEN AND BETSY L. WERGIN.

Hilty moved that the report of the Conference Committee on H. F. No. 3662 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3662, A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Greiling	Juhnke	Masin	Peppin
Anderson, B.	Demmer	Gunther	Kahn	McFarlane	Peterson, A.
Anderson, S.	Dettmer	Hackbarth	Kalin	McNamara	Peterson, N.
Anzelc	Dill	Hamilton	Knuth	Moe	Peterson, S.
Atkins	Dittrich	Hansen	Koenen	Morgan	Poppe
Benson	Dominguez	Hausman	Kohls	Morrow	Rukavina
Berns	Doty	Haws	Kranz	Mullery	Ruth
Bigham	Drazkowski	Heidgerken	Laine	Murphy, E.	Ruud
Bly	Eastlund	Hilstrom	Lanning	Murphy, M.	Sailer
Brod	Eken	Hilty	Lenczewski	Nelson	Scalze
Brown	Emmer	Holberg	Liebling	Nornes	Seifert
Brynaert	Erhardt	Hoppe	Lieder	Norton	Sertich
Buesgens	Erickson	Hornstein	Lillie	Olin	Severson
Bunn	Faust	Hortman	Loeffler	Olson	Shimanski
Carlson	Finstad	Hosch	Madore	Otremba	Simon
Clark	Fritz	Howes	Magnus	Ozment	Simpson
Cornish	Gardner	Huntley	Mahoney	Paulsen	Slawik
Davnie	Garofalo	Jaros	Mariani	Paymar	Slocum
Dean	Gottwalt	Johnson	Marquart	Pelowski	Smith

Solberg	Tillberry	Urdahl	Wardlow	Winkler	Spk. Kelliher
Swails	Tingelstad	Wagenius	Welti	Wollschlager	
Thissen	Tschumper	Ward	Westrom	Zellers	

The bill was repassed, as amended by Conference, and its title agreed to.

### FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 3722.

H. F. No. 3722, A bill for an act relating to economic development; providing military reservist economic injury loans; defining terms; appropriating money; amending Minnesota Statutes 2007 Supplement, section 116L.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Haws	Lenczewski	Olin	Simpson
Anderson, B.	Dittrich	Heidgerken	Liebling	Olson	Slawik
Anderson, S.	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Anzelc	Doty	Hilty	Lillie	Ozment	Smith
Atkins	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Benson	Eastlund	Hoppe	Madore	Paymar	Swails
Berns	Eken	Hornstein	Magnus	Pelowski	Thissen
Bigham	Emmer	Hortman	Mahoney	Peppin	Tillberry
Bly	Erhardt	Hosch	Mariani	Peterson, A.	Tingelstad
Brod	Erickson	Howes	Marquart	Peterson, N.	Tschumper
Brown	Faust	Huntley	Masin	Peterson, S.	Urdahl
Brynaert	Finstad	Jaros	McFarlane	Poppe	Wagenius
Buesgens	Fritz	Johnson	McNamara	Rukavina	Ward
Bunn	Gardner	Juhnke	Moe	Ruth	Wardlow
Carlson	Garofalo	Kahn	Morgan	Ruud	Welti
Clark	Gottwalt	Kalin	Morrow	Sailer	Westrom
Cornish	Greiling	Knuth	Mullery	Scalze	Winkler
Davnie	Gunther	Koenen	Murphy, E.	Seifert	Wollschlager
Dean	Hackbarth	Kohls	Murphy, M.	Sertich	Zellers
DeLaForest	Hamilton	Kranz	Nelson	Severson	Spk. Kelliher
Demmer	Hansen	Laine	Nornes	Shimanski	
Dettmer	Hausman	Lanning	Norton	Simon	

The bill was passed and its title agreed to.

### FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 3337.

S. F. No. 3337 was reported to the House.

Hilty moved to amend S. F. No. 3337, the unofficial engrossment, as follows:

Page 1, delete section 1

Page 14, line 3, delete "International" and insert "Intergovernmental"

Page 15, delete section 23

Page 15, line 26, delete "sections 115.071 and" and insert "section"

Page 16, line 2, after the period, insert "The options for reducing emissions must include phasing out specific consumer products containing high global warming potential gases where that is cost-effective."

Page 16, delete section 26

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kohls moved that S. F. No. 3337, the unofficial engrossment, as amended, be re-referred to the Committee on Public Safety and Civil Justice. The motion did not prevail.

Nornes moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 8, delete lines 3 to 14

A roll call was requested and properly seconded.

The question was taken on the Nornes amendment and the roll was called. There were 46 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Kohls	Olson	Simpson
Anderson, S.	Dettmer	Gunther	Kranz	Paulsen	Smith
Berns	Drazkowski	Hackbarth	Lanning	Peppin	Urdahl
Brod	Eastlund	Hamilton	Magnus	Poppe	Wardlow
Buesgens	Emmer	Heidgerken	McFarlane	Ruth	Westrom
Cornish	Erickson	Holberg	McNamara	Seifert	Zellers
Dean	Finstad	Hoppe	Nornes	Severson	
DeLaForest	Garofalo	Howes	Olin	Shimanski	

Those who voted in the negative were:

Abeler	Dominguez	Hortman	Lillie	Norton	Slawik
Anzelc	Doty	Hosch	Loeffler	Otremba	Slocum
Atkins	Eken	Huntley	Madore	Ozment	Solberg
Benson	Erhardt	Jaros	Mahoney	Paymar	Swails
Bigham	Faust	Johnson	Mariani	Pelowski	Thissen
Bly	Fritz	Juhnke	Marquart	Peterson, A.	Tillberry
Brown	Gardner	Kahn	Masin	Peterson, N.	Tingelstad
Brynaert	Greiling	Kalin	Moe	Peterson, S.	Tschumper
Bunn	Hansen	Knuth	Morgan	Rukavina	Wagenius
Carlson	Hausman	Koenen	Morrow	Ruud	Ward
Clark	Haws	Laine	Mullery	Sailer	Welti
Davnie	Hilstrom	Lenczewski	Murphy, E.	Scalze	Winkler
Dill	Hilty	Liebling	Murphy, M.	Sertich	Wollschlager
Dittrich	Hornstein	Lieder	Nelson	Simon	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Westrom; Peterson, A., and Heidgerken moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 12, after line 1, insert:

"Sec. 17. **[216F.012] SIZE ELECTION.**

(a) Owners of wind energy conversion systems that consist of single ownership units with a nameplate capacity less than five megawatts and a combined nameplate capacity of less than 25 megawatts, as determined under section 216F.011, may elect to be classified as a small wind energy conversion system or a large wind energy conversion system under this chapter.

(b) This section expires July 1, 2012."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hackbarth moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 10, after line 16, insert:

"Sec. 14. Minnesota Statutes 2006, section 216B.243, subdivision 3b, is amended to read:

Subd. 3b. **Nuclear power plant; new construction prohibited; relicensing.** (a) The commission may not issue a certificate of need for the construction of a new nuclear-powered electric generating plant, unless the federal Price-Anderson Act is reviewed.

(b) Any certificate of need for additional storage of spent nuclear fuel for a facility seeking a license extension shall address the impacts of continued operations over the period for which approval is sought."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

Kahn moved to amend the Hackbarth amendment to S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 1, line 7, after "unless" and insert "the limitation on the liability in"

Page 1, line 8, delete "reviewed" and insert "repealed"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 43 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Atkins	Gardner	Hortman	Liebling	Mullery	Tillberry
Bigham	Greiling	Jaros	Lillie	Murphy, E.	Tschumper
Bly	Hackbarth	Johnson	Madore	Murphy, M.	Wagenius
Brynaert	Hansen	Kahn	Mariani	Peterson, A.	
Clark	Hausman	Kalin	McFarlane	Rukavina	
Davnie	Hilstrom	Knuth	Moe	Sailer	
Dominguez	Hilty	Laine	Morgan	Sertich	
Eken	Hornstein	Lenczewski	Morrow	Thao	

Those who voted in the negative were:

Abeler	Dettmer	Hamilton	Magnus	Peppin	Solberg
Anderson, B.	Dill	Haws	Mahoney	Peterson, N.	Swails
Anderson, S.	Dittrich	Heidgerken	Marquart	Peterson, S.	Thissen
Anzelc	Doty	Holberg	Masin	Poppe	Tingelstad
Benson	Drazkowski	Hoppe	McNamara	Ruth	Urdahl
Berns	Eastlund	Hosch	Nelson	Ruud	Ward
Brod	Emmer	Howes	Nornes	Scalze	Wardlow
Brown	Erhardt	Huntley	Norton	Seifert	Welti
Buesgens	Erickson	Juhnke	Olin	Severson	Westrom
Bunn	Faust	Koenen	Olson	Shimanski	Winkler
Carlson	Finstad	Kohls	Otremba	Simon	Wollschlager
Cornish	Fritz	Kranz	Ozment	Simpson	Zellers
Dean	Garofalo	Lanning	Paulsen	Slawik	
DeLaForest	Gottwalt	Lieder	Paymar	Slocum	
Demmer	Gunther	Loeffler	Pelowski	Smith	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Hackbarth amendment and the roll was called. There were 52 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gottwalt	Kohls	Paulsen	Smith
Anderson, S.	Drazkowski	Gunther	Lanning	Pelowski	Tingelstad
Berns	Eastlund	Hackbarth	Magnus	Peppin	Urdahl
Brod	Emmer	Hamilton	McFarlane	Peterson, N.	Wardlow
Buesgens	Erhardt	Heidgerken	McNamara	Ruth	Westrom
Cornish	Erickson	Holberg	Nornes	Seifert	Wollschlager
Dean	Faust	Hoppe	Olson	Severson	Zellers
DeLaForest	Finstad	Howes	Otremba	Shimanski	
Demmer	Garofalo	Koenen	Ozment	Simpson	

Those who voted in the negative were:

Abeler	Dominguez	Huntley	Madore	Paymar	Thao
Anzelc	Doty	Jaros	Mahoney	Peterson, A.	Thissen
Atkins	Eken	Johnson	Mariani	Peterson, S.	Tillberry
Benson	Fritz	Juhnke	Marquart	Poppe	Tschumper
Bigham	Gardner	Kahn	Masin	Rukavina	Wagenius
Bly	Greiling	Kalin	Moe	Ruud	Ward
Brown	Hansen	Knuth	Morgan	Sailer	Wolti
Brynaert	Hausman	Kranz	Morrow	Scalze	Winkler
Bunn	Haws	Laine	Mullery	Sertich	Spk. Kelliher
Carlson	Hilstrom	Lenczewski	Murphy, E.	Simon	
Clark	Hilty	Liebling	Murphy, M.	Slawik	
Davnie	Hornstein	Lieder	Nelson	Slocum	
Dill	Hortman	Lillie	Norton	Solberg	
Dittrich	Hosch	Loeffler	Olin	Swails	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 13, delete section 20

Page 14, delete sections 21 and 22

Page 15, line 26, delete "Sections 216H.10 to" and insert "Section"

Page 15, delete section 25

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 45 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gunther	Kohls	Paulsen	Urdahl
Anderson, S.	Dettmer	Hackbarth	Kranz	Peppin	Wardlow
Berns	Drazkowski	Hamilton	Lanning	Ruth	Westrom
Brod	Eastlund	Heidgerken	Magnus	Seifert	Wollschlager
Buesgens	Emmer	Holberg	McFarlane	Severson	Zellers
Cornish	Erickson	Hoppe	McNamara	Shimanski	
Dean	Finstad	Hosch	Nornes	Simpson	
DeLaForest	Gottwalt	Howes	Olson	Smith	

Those who voted in the negative were:

Abeler	Doty	Huntley	Mahoney	Paymar	Swails
Anzelc	Eken	Jaros	Mariani	Pelowski	Thao
Atkins	Erhardt	Johnson	Marquart	Peterson, A.	Thissen
Benson	Faust	Juhnke	Masin	Peterson, N.	Tillberry
Bigham	Fritz	Kahn	Moe	Peterson, S.	Tingelstad
Bly	Gardner	Kalin	Morgan	Poppe	Tschumper
Brown	Garofalo	Knuth	Morrow	Rukavina	Wagenius
Brynaert	Greiling	Koenen	Mullery	Ruud	Ward
Bunn	Hansen	Laine	Murphy, E.	Sailer	Welti
Carlson	Hausman	Lenczewski	Murphy, M.	Scalze	Winkler
Clark	Haws	Liebling	Nelson	Sertich	Spk. Kelliher
Davnie	Hilstrom	Lieder	Norton	Simon	
Dill	Hilty	Lillie	Olin	Slawik	
Dittrich	Hornstein	Loeffler	Otremba	Slocum	
Dominguez	Hortman	Madore	Ozment	Solberg	

The motion did not prevail and the amendment was not adopted.

Kohls moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 5, lines 18 and 24, reinstate the stricken "objectives" and insert "and standards" and delete "obligations"

The motion prevailed and the amendment was adopted.

Erickson moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 14, line 4, before the period, insert "and other authoritative reports"

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 43 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Garofalo	Kohls	Ruth	Wardlow
Anderson, B.	Demmer	Gottwalt	Lanning	Seifert	Westrom
Anderson, S.	Dettmer	Gunther	Magnus	Severson	Zellers
Berns	Drazkowski	Hackbarth	McFarlane	Shimanski	
Brod	Eastlund	Hamilton	Nornes	Simpson	
Buesgens	Emmer	Heidgerken	Olson	Smith	
Cornish	Erickson	Hoppe	Paulsen	Tingelstad	
Dean	Finstad	Howes	Peppin	Urdahl	

Those who voted in the negative were:

Anzelc	Eken	Jaros	Mahoney	Ozment	Solberg
Atkins	Erhardt	Johnson	Mariani	Paymar	Swails
Benson	Faust	Juhnke	Marquart	Pelowski	Thao
Bigham	Fritz	Kahn	Masin	Peterson, A.	Thissen
Bly	Gardner	Kalin	McNamara	Peterson, N.	Tillberry
Brown	Greiling	Knuth	Moe	Peterson, S.	Tschumper
Brynaert	Hansen	Koenen	Morgan	Poppe	Wagenius
Bunn	Hausman	Kranz	Morrow	Rukavina	Ward
Carlson	Haws	Laine	Mullery	Ruud	Welti
Clark	Hilstrom	Lenczewski	Murphy, E.	Sailer	Winkler
Davnie	Hilty	Liebling	Murphy, M.	Scalze	Wollschlager
Dill	Hornstein	Lieder	Nelson	Sertich	Spk. Kelliher
Dittrich	Hortman	Lillie	Norton	Simon	
Dominguez	Hosch	Loeffler	Olin	Slawik	
Doty	Huntley	Madore	Otremba	Slocum	

The motion did not prevail and the amendment was not adopted.

Hilty moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 13, line 5, after "regular" delete the comma

Page 13, line 6, delete "mandated"

The motion prevailed and the amendment was adopted.

Olson; Anderson, B.; Shimanski and Erickson moved to amend S. F. No. 3337, the unofficial engrossment, as amended, as follows:

Page 14, delete section 21 and insert:

"Sec. 21. **[216H.13] GLOBAL WARMING CLIMATE CHANGE POLICY ISSUES; REQUIRED PUBLIC HEARINGS.**

(a) By July 1, 2010, the Pollution Control Agency must hold at least three public hearings in each Congressional district in this state, during which equal time for expert testimony on the scientific evidence with respect to the global warming climate change issues and related policy options is provided to both proponents and opponents. Public testimony must also be allowed. Each meeting must last a minimum of two hours.

(b) The hearings in paragraph (a) are contingent on private funding being contributed equally from both proponents and opponents."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Olson et al amendment and the roll was called. There were 37 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Garofalo	Kohls	Seifert	Westrom
Anderson, S.	Dettmer	Gottwalt	Lanning	Severson	Zellers
Berns	Drazkowski	Gunther	Nornes	Shimanski	
Brod	Eastlund	Hackbarth	Olson	Simpson	
Buesgens	Emmer	Hamilton	Paulsen	Smith	
Cornish	Erickson	Heidgerken	Peppin	Urdahl	
DeLaForest	Finstad	Holberg	Ruth	Wardlow	

Those who voted in the negative were:

Abeler	Doty	Howes	Madore	Olin	Slocum
Anzelc	Eken	Huntley	Magnus	Otremba	Solberg
Atkins	Erhardt	Jaros	Mahoney	Ozment	Swails
Benson	Faust	Johnson	Mariani	Paymar	Thao
Bigham	Fritz	Juhnke	Marquart	Pelowski	Thissen
Bly	Gardner	Kahn	Masin	Peterson, A.	Tillberry
Brown	Greiling	Kalin	McFarlane	Peterson, N.	Tingelstad
Brynaert	Hansen	Knuth	McNamara	Peterson, S.	Tschumper
Bunn	Hausman	Koenen	Moe	Poppe	Wagenius
Carlson	Haws	Kranz	Morgan	Rukavina	Ward
Clark	Hilstrom	Laine	Morrow	Ruud	Welti
Davnie	Hilty	Lenczewski	Mullery	Sailer	Winkler
Dean	Hoppe	Liebling	Murphy, E.	Scalze	Wollschlager
Dill	Hornstein	Lieder	Murphy, M.	Sertich	Spk. Kelliher
Dittrich	Hortman	Lillie	Nelson	Simon	
Dominguez	Hosch	Loeffler	Norton	Slawik	

The motion did not prevail and the amendment was not adopted.

The Speaker called Thissen to the Chair.

S. F. No. 3337, A bill for an act relating to energy; creating coordinated process for reducing greenhouse gas emissions; proposing coding for new law in Minnesota Statutes, chapter 216H.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hosch	Mahoney	Paymar	Swails
Anderson, S.	Eken	Huntley	Mariani	Pelowski	Thao
Anzenc	Erhardt	Jaros	Marquart	Peterson, A.	Thissen
Atkins	Faust	Johnson	Masin	Peterson, N.	Tillberry
Benson	Fritz	Juhnke	McFarlane	Peterson, S.	Tingelstad
Berns	Gardner	Kahn	McNamara	Poppe	Tschumper
Bigham	Gottwalt	Kalin	Moe	Rukavina	Urdahl
Bly	Greiling	Knuth	Morgan	Ruth	Wagenius
Brown	Gunther	Koenen	Morrow	Ruud	Ward
Brynaert	Hamilton	Kranz	Mullery	Sailer	Welti
Bunn	Hansen	Laine	Murphy, E.	Scalze	Westrom
Carlson	Hausman	Lanning	Murphy, M.	Sertich	Winkler
Clark	Haws	Lenczewski	Nelson	Severson	Wollschlager
Cornish	Heidgerken	Liebling	Nornes	Simon	Spk. Kelliher
Davnie	Hilstrom	Lieder	Norton	Simpson	
Demmer	Hilty	Lillie	Olin	Slawik	
Dill	Hoppe	Loeffler	Otremba	Slocum	
Dittrich	Hornstein	Madore	Ozment	Smith	
Dominguez	Hortman	Magnus	Paulsen	Solberg	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Emmer	Hackbarth	Olson	Wardlow
Brod	Dettmer	Erickson	Holberg	Peppin	Zellers
Buesgens	Drazkowski	Finstad	Howes	Seifert	
Dean	Eastlund	Garofalo	Kohls	Shimanski	

The bill was passed, as amended, and its title agreed to.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Wednesday, April 23, 2008:

H. F. Nos. 3195, 2996, 3090, 3486 and 3800; and S. F. Nos. 2942, 3331, 2967, 3564, 3069, 2996, 3360, 3455, 3672, 3098, 3756, 3755 and 3443.

Erhardt was excused between the hours of 1:15 p.m. and 4:20 p.m.

#### CALENDAR FOR THE DAY

H. F. No. 3195 was reported to the House.

Knuth moved to amend H. F. No. 3195, the third engrossment, as follows:

Page 1, line 13, delete "December 1, 2008" and insert "January 15, 2009"

Page 2, delete line 23, and insert "The report must be submitted to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy policy and environmental policy by January 15, 2009."

Page 3, line 23, delete "job loss" and insert "jobs"

Page 4, line 1, delete "1" and insert "15"

Page 4, line 4, delete "(a)"

Page 4, line 15, delete the second "and"

Page 4, line 16, delete the period and insert "; and"

Page 4, line 17, delete everything before "directed" and insert "(7) a scenario in which a majority of expenditures is" and delete "paragraph (a)."

The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 3, after line 34, insert:

"(d) The study must include a summary of findings from credible scientists, researchers, and higher educational institutions that attribute causes other than human activity as causes of climate change."

Page 4, line 1, delete "(d)" and insert "(e)"

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 46 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Hosch	Olson	Simpson
Anderson, S.	Dettmer	Gunther	Howes	Paulsen	Smith
Berns	Drazkowski	Hackbarth	Kohls	Peppin	Urdahl
Brod	Eastlund	Hamilton	Lanning	Ruth	Wardlow
Buesgens	Emmer	Haws	Magnus	Scalze	Westrom
Cornish	Erickson	Heidgerken	McFarlane	Seifert	Zellers
Dean	Finstad	Holberg	Murphy, E.	Severson	
DeLaForest	Garofalo	Hoppe	Nornes	Shimanski	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Dill	Doty
Anzelc	Bigham	Brynaert	Clark	Dittrich	Eken
Atkins	Bly	Bunn	Davnie	Dominguez	Faust

Fritz	Johnson	Lillie	Mullery	Peterson, S.	Thao
Gardner	Juhnke	Loeffler	Murphy, M.	Poppe	Thissen
Greiling	Kahn	Madore	Nelson	Rukavina	Tillberry
Hansen	Kalin	Mahoney	Norton	Ruud	Tingelstad
Hausman	Knuth	Mariani	Olin	Sailer	Tschumper
Hilstrom	Koenen	Marquart	Otremba	Sertich	Wagenius
Hilty	Kranz	Masin	Ozment	Simon	Ward
Hornstein	Laine	McNamara	Paymar	Slawik	Welti
Hortman	Lenczewski	Moe	Pelowski	Slocum	Winkler
Huntley	Liebling	Morgan	Peterson, A.	Solberg	Wollschlager
Jaros	Lieder	Morrow	Peterson, N.	Swails	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Brod moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 1, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 41 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Garofalo	Hoppe	Olin	Shimanski
Brod	Dill	Gottwalt	Howes	Olson	Simpson
Buesgens	Drazkowski	Gunther	Kohls	Paulsen	Smith
Cornish	Eastlund	Hackbarth	Lanning	Peppin	Wardlow
Dean	Emmer	Hamilton	Magnus	Ruth	Westrom
DeLaForest	Erickson	Heidgerken	McFarlane	Seifert	Zellers
Demmer	Finstad	Holberg	Nornes	Severson	

Those who voted in the negative were:

Abeler	Brown	Doty	Haws	Johnson	Lenczewski
Anderson, S.	Brynaert	Eken	Hilstrom	Juhnke	Liebling
Anzelc	Bunn	Faust	Hilty	Kahn	Lieder
Atkins	Carlson	Fritz	Hornstein	Kalin	Lillie
Benson	Clark	Gardner	Hortman	Knuth	Loeffler
Berns	Davnie	Greiling	Hosch	Koenen	Madore
Bigham	Dittrich	Hansen	Huntley	Kranz	Mahoney
Bly	Dominguez	Hausman	Jaros	Laine	Mariani

Marquart	Murphy, E.	Pelowski	Sailer	Swails	Wagenius
Masin	Murphy, M.	Peterson, A.	Scalze	Thao	Ward
McNamara	Nelson	Peterson, N.	Sertich	Thissen	Welti
Moe	Norton	Peterson, S.	Simon	Tillberry	Winkler
Morgan	Otremba	Poppe	Slawik	Tingelstad	Wollschlager
Morrow	Ozment	Rukavina	Slocum	Tschumper	Spk. Kelliher
Mullery	Paymar	Ruud	Solberg	Urdahl	

The motion did not prevail and the amendment was not adopted.

Howes moves to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, delete line 12 and insert "approved by a majority vote of the Iron Range Resources and Rehabilitation Board."

The motion did not prevail and the amendment was not adopted.

McNamara moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, line 12, after "legislature" insert "and the legislatures of at least two states bordering Minnesota"

A roll call was requested and properly seconded.

The question was taken on the McNamara amendment and the roll was called. There were 48 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Finstad	Hoppe	McNamara	Seifert
Anderson, B.	Demmer	Garofalo	Howes	Nornes	Severson
Anderson, S.	Dettmer	Gottwalt	Juhnke	Olin	Shimanski
Berns	Dill	Gunther	Koenen	Olson	Simpson
Brod	Drazkowski	Hackbarth	Kohls	Paulsen	Urdahl
Buesgens	Eastlund	Hamilton	Lanning	Peppin	Wardlow
Cornish	Emmer	Heidgerken	Magnus	Peterson, N.	Westrom
Dean	Erickson	Holberg	McFarlane	Ruth	Zellers

Those who voted in the negative were:

Anzelc	Carlson	Fritz	Hornstein	Knuth	Madore
Atkins	Clark	Gardner	Hortman	Kranz	Mahoney
Benson	Davnie	Greiling	Hosch	Laine	Mariani
Bigham	Dittrich	Hansen	Huntley	Lenczewski	Marquart
Bly	Dominguez	Hausman	Jaros	Liebling	Masin
Brown	Doty	Haws	Johnson	Lieder	Moe
Brynaert	Eken	Hilstrom	Kahn	Lillie	Morgan
Bunn	Faust	Hilty	Kalin	Loeffler	Morrow

Mullery	Ozment	Rukavina	Slawik	Thissen	Welti
Murphy, E.	Paymar	Ruud	Slocum	Tillberry	Winkler
Murphy, M.	Pelowski	Sailer	Smith	Tingelstad	Wollschlager
Nelson	Peterson, A.	Scalze	Solberg	Tschumper	Spk. Kelliher
Norton	Peterson, S.	Sertich	Swails	Wagenius	
Otremba	Poppe	Simon	Thao	Ward	

The motion did not prevail and the amendment was not adopted.

Magnus, Hamilton and Lanning moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, after line 12, insert:

"(d) Any cap and trade agreements entered into may not limit greenhouse gas emissions from municipal utilities or cooperative electric associations selling electricity in Minnesota."

A roll call was requested and properly seconded.

The question was taken on the Magnus et al amendment and the roll was called. There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Finstad	Hosch	Olin	Tschumper
Anderson, B.	Dettmer	Garofalo	Howes	Olson	Urdahl
Anderson, S.	Dill	Gottwalt	Juhnke	Otremba	Ward
Anzelc	Doty	Gunther	Koenen	Peppin	Wardlow
Bly	Drazkowski	Hackbarth	Kohls	Rukavina	Westrom
Brod	Eastlund	Hamilton	Lanning	Seifert	Zellers
Buesgens	Emmer	Heidgerken	Magnus	Severson	
Cornish	Erickson	Holberg	McFarlane	Shimanski	
DeLaForest	Faust	Hoppe	Nornes	Simpson	

Those who voted in the negative were:

Atkins	Eken	Johnson	Mariani	Paulsen	Slocum
Benson	Fritz	Kahn	Marquart	Paymar	Smith
Berns	Gardner	Kalin	Masin	Pelowski	Solberg
Bigham	Greiling	Knuth	McNamara	Peterson, A.	Swails
Brown	Hansen	Kranz	Moe	Peterson, N.	Thao
Brynaert	Hausman	Laine	Morgan	Peterson, S.	Thissen
Bunn	Haws	Lenczewski	Morrow	Poppe	Tillberry
Carlson	Hilstrom	Liebling	Mullery	Ruud	Tingelstad
Clark	Hilty	Lieder	Murphy, E.	Sailer	Wagenius
Davnie	Hornstein	Lillie	Murphy, M.	Scalze	Welti
Dean	Hortman	Loeffler	Nelson	Sertich	Winkler
Dittrich	Huntley	Madore	Norton	Simon	Wollschlager
Dominguez	Jaros	Mahoney	Ozment	Slawik	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Hoppe moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, line 4, after "legislators" insert ", three representatives from the business community, and three representatives from organized labor"

Page 2, line 6, after "legislators" insert "and business and labor representatives"

A roll call was requested and properly seconded.

Mahoney moved to amend the Hoppe amendment to H. F. No. 3195, the third engrossment, as amended, as follows:

Page 1, line 2, delete ", three representatives from the business"

Page 1, line 3, delete "community,"

Page 1, line 4, delete "and business"

The motion prevailed and the amendment to the amendment was adopted.

Hoppe withdrew his amendment, as amended, to H. F. No. 3195, the third engrossment, as amended.

Emmer and Magnus moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, after line 12, insert:

"Sec. 4. **[216H.13] CAP AND TRADE PROGRAM; TERMINATION.**

If the Department of Commerce determines that implementing a cap and trade program results in energy prices increasing to a level exceeding 30 percent of median family income in Minnesota, the cap and trade program is terminated without further action by the legislature."

A roll call was requested and properly seconded.

The question was taken on the Emmer and Magnus amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeler	Brown	Dettmer	Erickson	Hamilton	Juhnke
Anderson, B.	Buesgens	Dill	Finstad	Heidgerken	Koenen
Anderson, S.	Cornish	Dittrich	Garofalo	Holberg	Kohls
Anzelc	Dean	Drazkowski	Gottwalt	Hoppe	Kranz
Berns	DeLaForest	Eastlund	Gunther	Hosch	Lanning
Brod	Demmer	Emmer	Hackbarth	Howes	Liebling

Magnus	Olin	Peppin	Scalze	Simpson	Welti
McFarlane	Olson	Poppe	Seifert	Smith	Westrom
Nornes	Paulsen	Rukavina	Severson	Urdahl	Zellers
Norton	Pelowski	Ruth	Shimanski	Wardlow	

Those who voted in the negative were:

Atkins	Faust	Jaros	Mariani	Ozment	Thao
Benson	Fritz	Johnson	Marquart	Peterson, A.	Thissen
Bigham	Gardner	Kahn	Masin	Peterson, N.	Tillberry
Bly	Greiling	Kalin	McNamara	Peterson, S.	Tingelstad
Brynaert	Hansen	Knuth	Moe	Ruud	Tschumper
Bunn	Hausman	Laine	Morgan	Sailer	Wagenius
Carlson	Haws	Lenczewski	Morrow	Sertich	Ward
Clark	Hilstrom	Lieder	Mullery	Simon	Winkler
Davnie	Hilty	Lillie	Murphy, E.	Slawik	Wollschlager
Dominguez	Hornstein	Loeffler	Murphy, M.	Slocum	Spk. Kelliher
Doty	Hortman	Madore	Nelson	Solberg	
Eken	Huntley	Mahoney	Otremba	Swails	

The motion did not prevail and the amendment was not adopted.

Anderson, S., and Bunn moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 4, line 9, after "emissions" insert ", including telecommuting tax credits"

The motion prevailed and the amendment was adopted.

Olson and Erickson moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 3, after line 34, insert:

"(d) The study must consider greenhouse gas emissions in developing countries such as China and India compared to emissions in the United States and Minnesota, to confirm possible effects from expanded trade with those developing countries and increased resulting emissions."

Page 4, line 1, delete "(d)" and insert "(e)"

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Olson and Erickson amendment and the roll was called. There were 47 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Erickson	Holberg	Nornes	Shimanski
Anderson, B.	DeLaForest	Finstad	Hoppe	Olson	Simpson
Anderson, S.	Demmer	Garofalo	Hoves	Paulsen	Smith
Anzelc	Dettmer	Gottwalt	Kohls	Peppin	Urdahl
Berns	Dill	Gunther	Lanning	Rukavina	Wardlow
Brod	Draskowski	Hackbarth	Magnus	Ruth	Westrom
Buesgens	Eastlund	Hamilton	McFarlane	Seifert	Zellers
Cornish	Emmer	Heidgerken	McNamara	Severson	

Those who voted in the negative were:

Atkins	Faust	Johnson	Mahoney	Ozment	Solberg
Benson	Fritz	Juhnke	Mariani	Paymar	Swails
Bigham	Gardner	Kahn	Marquart	Pelowski	Thao
Bly	Greiling	Kalin	Masin	Peterson, A.	Thissen
Brown	Hansen	Knuth	Moe	Peterson, N.	Tillberry
Brynaert	Hausman	Koenen	Morgan	Peterson, S.	Tingelstad
Bunn	Haws	Kranz	Morrow	Poppe	Tschumper
Carlson	Hilstrom	Laine	Mullery	Ruud	Wagenius
Clark	Hilty	Lenczewski	Murphy, E.	Sailer	Ward
Davnie	Hornstein	Liebling	Murphy, M.	Scalze	Welti
Dittrich	Hortman	Lieder	Nelson	Sertich	Winkler
Dominguez	Hosch	Lillie	Norton	Simon	Wollschlager
Doty	Huntley	Loeffler	Olin	Slawik	Spk. Kelliher
Eken	Jaros	Madore	Otremba	Slocum	

The motion did not prevail and the amendment was not adopted.

Mahoney, Hoppe and Knuth moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, line 4, after "legislators" insert ", two representatives from the non-energy-related business community, and three representatives from organized labor"

Page 2, line 6, after "legislators" insert "and business and labor representatives"

The motion prevailed and the amendment was adopted.

Thissen was excused for the remainder of today's session.

Magnus moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, after line 12, insert:

"Sec. 4. [216H.13] CAP AND TRADE PROGRAM; TERMINATION.

If the cost to Minnesota consumers and businesses of implementing a cap and trade program exceeds \$5 billion annually, as estimated by the Department of Commerce, the cap and trade program is terminated without further action by the legislature."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Magnus amendment and the roll was called. There were 43 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hackbarth	Lanning	Ruth	Welti
Anderson, B.	Drazkowski	Hamilton	Liebling	Seifert	Westrom
Anderson, S.	Eastlund	Heidgerken	Magnus	Severson	Zellers
Buesgens	Emmer	Holberg	McFarlane	Shimanski	
Cornish	Erickson	Hoppe	Nornes	Simpson	
DeLaForest	Finstad	Hosch	Olin	Smith	
Demmer	Gottwalt	Howes	Olson	Urdahl	
Dettmer	Gunther	Kohls	Peppin	Wardlow	

Those who voted in the negative were:

Anzelc	Dominguez	Huntley	Mahoney	Paulsen	Solberg
Atkins	Doty	Jaros	Mariani	Paymar	Swails
Benson	Eken	Johnson	Marquart	Pelowski	Thao
Berns	Faust	Juhnke	Masin	Peterson, A.	Tillberry
Bigham	Fritz	Kahn	McNamara	Peterson, N.	Tingelstad
Bly	Gardner	Kalin	Moe	Peterson, S.	Tschumper
Brod	Garofalo	Knuth	Morgan	Poppe	Wagenius
Brown	Greiling	Koenen	Morrow	Rukavina	Ward
Brynaert	Hansen	Kranz	Mullery	Ruud	Winkler
Bunn	Hausman	Laine	Murphy, E.	Sailer	Wollschlager
Carlson	Haws	Lenczewski	Murphy, M.	Scalze	Spk. Kelliher
Clark	Hilstrom	Lieder	Nelson	Sertich	
Davnie	Hilty	Lillie	Norton	Simon	
Dean	Hornstein	Loeffler	Otremba	Slawik	
Dittrich	Hortman	Madore	Ozment	Slocum	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 3, line 29, delete "and"

Page 3, line 31, before the period, insert "; and

(11) an estimate of greenhouse gas emissions from publicly-owned buses containing fewer than six fare-paying passengers"

The motion did not prevail and the amendment was not adopted.

DeLaForest moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, delete line 12 and insert "the Minnesota corporate tax rate is lowered sufficiently to offset producer cost increases estimated in the study conducted under section 4, subdivision 2, paragraph (b), clauses (1) and (2)."

A roll call was requested and properly seconded.

The question was taken on the DeLaForest amendment and the roll was called. There were 46 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Erickson	Holberg	Olson	Simpson
Anderson, B.	DeLaForest	Finstad	Hoppe	Paulsen	Smith
Anderson, S.	Demmer	Garofalo	Howes	Peppin	Urdahl
Berns	Dettmer	Gottwalt	Kohls	Ruth	Wardlow
Brod	Dittrich	Gunther	Lanning	Scalze	Westrom
Brown	Drazkowski	Hackbarth	Magnus	Seifert	Zellers
Buesgens	Eastlund	Hamilton	McFarlane	Severson	
Cornish	Emmer	Heidgerken	Nornes	Shimanski	

Those who voted in the negative were:

Anzelc	Faust	Johnson	Mariani	Ozment	Solberg
Atkins	Fritz	Juhnke	Marquart	Paymar	Swails
Benson	Gardner	Kahn	Masin	Pelowski	Thao
Bigham	Greiling	Kalin	McNamara	Peterson, A.	Tillberry
Bly	Hansen	Knuth	Moe	Peterson, N.	Tingelstad
Brynaert	Hausman	Koenen	Morgan	Peterson, S.	Tschumper
Bunn	Haws	Laine	Morrow	Poppe	Wagenius
Carlson	Hilstrom	Lenczewski	Mullery	Rukavina	Ward
Clark	Hilty	Liebling	Murphy, E.	Ruud	Welti
Davnie	Hornstein	Lieder	Murphy, M.	Sailer	Winkler
Dill	Hortman	Lillie	Nelson	Sertich	Wollschlager
Dominguez	Hosch	Loeffler	Norton	Simon	Spk. Kelliher
Doty	Huntley	Madore	Olin	Slawik	
Eken	Jaros	Mahoney	Otremba	Slocum	

The motion did not prevail and the amendment was not adopted.

Kranz was excused for the remainder of today's session.

Gunther moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, after line 12, insert:

"Sec. 4. **[216H.13] POST-IMPLEMENTATION COST STUDY.**

Beginning one year after the initial implementation of a statewide cap and trade program, and each year thereafter, the Department of Commerce shall submit a study to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy policy and environmental policy that estimates the annual economic cost to Minnesota consumers and businesses resulting from the implementation of the cap and trade program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Knuth moved to amend the Gunther amendment to H. F. No. 3195, the third engrossment, as amended, as follows:

Page 1, line 8, after "cost" insert "and benefit"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Gunther amendment, as amended, to H. F. No. 3195. The motion prevailed and the amendment, as amended, was adopted.

Kohls moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, line 12, after "by" insert "an affirmative vote of two-thirds of the members of both houses of"

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 40 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Finstad	Hoppe	Olson	Smith
Anderson, S.	Dettmer	Gottwalt	Howes	Peppin	Urdahl
Brod	Dill	Gunther	Kohls	Ruth	Wardlow
Buesgens	Drazkowski	Hackbarth	Lanning	Seifert	Westrom
Cornish	Eastlund	Hamilton	Magnus	Severson	Zellers
Dean	Emmer	Heidgerken	McFarlane	Shimanski	
DeLaForest	Erickson	Holberg	Nornes	Simpson	

Those who voted in the negative were:

Abeler	Doty	Huntley	Mahoney	Ozment	Slocum
Anzelc	Eken	Jaros	Mariani	Paulsen	Solberg
Atkins	Faust	Johnson	Marquart	Paymar	Swails
Benson	Fritz	Juhnke	Masin	Pelowski	Thao
Berns	Gardner	Kahn	McNamara	Peterson, A.	Tillberry
Bigham	Garofalo	Kalin	Moe	Peterson, N.	Tingelstad
Bly	Greiling	Knuth	Morgan	Peterson, S.	Tschumper
Brown	Hansen	Koenen	Morrow	Poppe	Wagenius
Brynaert	Hausman	Laine	Mullery	Rukavina	Ward
Bunn	Haws	Lenczewski	Murphy, E.	Ruud	Welti
Carlson	Hilstrom	Liebling	Murphy, M.	Sailer	Winkler
Clark	Hilty	Lieder	Nelson	Scalze	Wollschlager
Davnie	Hornstein	Lillie	Norton	Sertich	Spk. Kelliher
Dittrich	Hortman	Loeffler	Olin	Simon	
Dominguez	Hosch	Madore	Otremba	Slawik	

The motion did not prevail and the amendment was not adopted.

Magnus, Kohls and Brod moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 2, line 12, after "legislature" insert "and by a statewide referendum"

The motion did not prevail and the amendment was not adopted.

Peppin moved to amend H. F. No. 3195, the third engrossment, as amended, as follows:

Page 3, after line 34, insert:

"(d) The study must consider the public health impacts as well as greenhouse gas reductions associated with the use of compact fluorescent light bulbs (CFL)."

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 42 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Erickson	Heidgerken	McFarlane	Severson
Anderson, S.	DeLaForest	Finstad	Holberg	Nornes	Shimanski
Berns	Demmer	Garofalo	Hoppe	Olson	Simpson
Brod	Dettmer	Gottwalt	Howes	Paulsen	Smith
Buesgens	Drazkowski	Gunther	Kohls	Peppin	Wardlow
Bunn	Eastlund	Hackbarth	Lanning	Ruth	Westrom
Cornish	Emmer	Hamilton	Magnus	Seifert	Zellers

Those who voted in the negative were:

Abeler	Eken	Johnson	Marquart	Pelowski	Thao
Anzelc	Faust	Juhnke	Masin	Peterson, A.	Tillberry
Atkins	Fritz	Kahn	McNamara	Peterson, N.	Tingelstad
Benson	Gardner	Kalin	Moe	Peterson, S.	Tschumper
Bigham	Greiling	Knuth	Morgan	Poppe	Urdahl
Bly	Hansen	Koenen	Morrow	Rukavina	Wagenius
Brown	Hausman	Laine	Mullery	Ruud	Ward
Brynaert	Haws	Lenczewski	Murphy, E.	Sailer	Wolti
Carlson	Hilstrom	Liebling	Murphy, M.	Scalze	Winkler
Clark	Hilty	Lieder	Nelson	Sertich	Wollschlager
Davnie	Hornstein	Lillie	Norton	Simon	Spk. Kelliher
Dill	Hortman	Loeffler	Olin	Slawik	
Dittrich	Hosch	Madore	Otremba	Slocum	
Dominguez	Huntley	Mahoney	Ozment	Solberg	
Doty	Jaros	Mariani	Paymar	Swails	

The motion did not prevail and the amendment was not adopted.

H. F. No. 3195, A bill for an act relating to environment; establishing an intent to participate in a cap and trade program for greenhouse gas emissions; requiring studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216H.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Huntley	Mahoney	Paulsen	Swails
Anderson, S.	Eken	Jaros	Mariani	Paymar	Thao
Atkins	Erhardt	Johnson	Marquart	Pelowski	Tillberry
Benson	Faust	Juhnke	Masin	Peterson, A.	Tingelstad
Berns	Fritz	Kahn	McFarlane	Peterson, N.	Tschumper
Bigham	Gardner	Kalin	McNamara	Peterson, S.	Wagenius
Bly	Greiling	Knuth	Moe	Poppe	Ward
Brown	Gunther	Koenen	Morgan	Ruth	Wolti
Brynaert	Hansen	Laine	Morrow	Ruud	Winkler
Bunn	Hausman	Lanning	Mullery	Sailer	Wollschlager
Carlson	Haws	Lenczewski	Murphy, E.	Scalze	Spk. Kelliher
Clark	Hilstrom	Liebling	Murphy, M.	Sertich	
Cornish	Hilty	Lieder	Nelson	Simon	
Davnie	Hornstein	Lillie	Norton	Slawik	
Dittrich	Hortman	Loeffler	Otremba	Slocum	
Dominguez	Hosch	Madore	Ozment	Smith	

Those who voted in the negative were:

Anderson, B.	Buesgens	Demmer	Drazkowski	Erickson	Gottwalt
Anzelc	Dean	Dettmer	Eastlund	Finstad	Hackbarth
Brod	DeLaForest	Dill	Emmer	Garofalo	Hamilton

Heidgerken	Kohls	Olson	Severson	Urdahl
Holberg	Magnus	Peppin	Shimanski	Wardlow
Hoppe	Nornes	Rukavina	Simpson	Westrom
Howes	Olin	Seifert	Solberg	Zellers

The bill was passed, as amended, and its title agreed to.

Paulsen was excused for the remainder of today's session.

H. F. No. 3486, A bill for an act relating to motor carriers; reallocating proceeds of fees collected since 2005 under the International Fuel Tax Agreement compact; amending Minnesota Statutes 2006, sections 168D.06; 168D.07; 299A.705, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilty	Lieder	Olin	Solberg
Anderson, S.	Dominguez	Holberg	Lillie	Otremba	Swails
Anzelc	Doty	Hoppe	Loeffler	Ozment	Thao
Atkins	Eastlund	Hornstein	Madore	Paymar	Tillberry
Benson	Eken	Hortman	Magnus	Pelowski	Tingelstad
Berns	Erhardt	Hosch	Mahoney	Peterson, A.	Tschumper
Bigham	Faust	Howes	Mariani	Peterson, N.	Urdahl
Bly	Finstad	Huntley	Marquart	Peterson, S.	Wagenius
Brod	Fritz	Jaros	Masin	Poppe	Ward
Brown	Gardner	Johnson	McFarlane	Rukavina	Wardlow
Brynaert	Garofalo	Juhnke	McNamara	Ruth	Welti
Bunn	Gottwalt	Kahn	Moe	Ruud	Winkler
Carlson	Greiling	Kalin	Morgan	Sailer	Wollschlager
Clark	Gunther	Knuth	Morrow	Scalze	Zellers
Cornish	Hamilton	Koenen	Mullery	Sertich	Spk. Kelliher
Davnie	Hansen	Kohls	Murphy, E.	Severson	
Dean	Hausman	Laine	Murphy, M.	Simon	
DeLaForest	Haws	Lanning	Nelson	Slawik	
Demmer	Heidgerken	Lenczewski	Nornes	Slocum	
Dill	Hilstrom	Liebling	Norton	Smith	

Those who voted in the negative were:

Anderson, B.	Drazkowski	Hackbarth	Seifert	Westrom
Buesgens	Emmer	Olson	Shimanski	
Dettmer	Erickson	Peppin	Simpson	

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

There being no objection, the order of business reverted to Messages from the Senate.

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3662, A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3370 and 3363.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 3370, A bill for an act relating to elections; providing for assessment and payment of certain costs; amending Minnesota Statutes 2006, section 211B.37.

The bill was read for the first time.

Kalin moved that S. F. No. 3370 and H. F. No. 3702, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3363, A bill for an act relating to state government; improving access to budget information by members of the legislature; specifying the development of budget recommendations and requiring state agencies to provide information; establishing a subcommittee of the Legislative Commission on Planning and Fiscal Policy; requiring disclosure of status of fiscal note requests; providing for appeal of fiscal note conclusions; modifying state budget

requirements; incorporating Minnesota Milestones goals and indicators in budget preparation; requiring commissioner of finance to adjust for projected inflation in forecasting state expenditures; requiring a forecast of cash flow for the general fund; providing deadline for modifying budget after February forecast; specifying format for detailed budget estimates of expenditures; imposing deadline for notice of deficiency requests; providing a process to increase the budget reserve; requiring state agencies with certain information and telecommunications technology projects to register with the Office of Enterprise Technology and requiring the office to monitor progress on the projects; requiring the Office of Enterprise Technology to report to the legislature regarding its approval process for state agency technology requests and assistance provided to state agencies in developing agency information systems plans; providing additional whistleblower protection to state employees; providing additional duties for the Sesquicentennial Commission; establishing a working group; eliminating obsolete requirements; amending Minnesota Statutes 2006, sections 3.885, subdivisions 4, 5, by adding subdivisions; 3.98, subdivision 4, by adding a subdivision; 3.987, subdivision 1, as amended; 13.605, subdivision 1; 16A.10, subdivisions 1, 1c, 2, by adding a subdivision; 16A.103, subdivisions 1a, 1b; 16A.11, subdivisions 1, 3, by adding a subdivision; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.04, subdivision 2; Minnesota Statutes 2007 Supplement, sections 16A.152, subdivision 2; 181.932, subdivision 1; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2006, section 16A.152, subdivision 1b.

The bill was read for the first time.

Solberg moved that S. F. No. 3363 and H. F. No. 3587, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### **MOTIONS AND RESOLUTIONS**

Severson moved that the name of Holberg be added as an author on H. F. No. 1261. The motion prevailed.

Brod moved that the name of Ward be added as an author on H. F. No. 2172. The motion prevailed.

Paymar moved that the name of Loeffler be added as an author on H. F. No. 2996. The motion prevailed.

Walker moved that the name of Abeler be added as an author on H. F. No. 3564. The motion prevailed.

Moe moved that the names of Dettmer, Drazkowski and Olin be added as authors on H. F. No. 3935. The motion prevailed.

Benson moved that the name of Laine be added as an author on H. F. No. 4116. The motion prevailed.

Morrow moved that the name of Laine be added as an author on H. F. No. 4196. The motion prevailed.

### **FISCAL CALENDAR ANNOUNCEMENT**

Pursuant to rule 1.22, Solberg announced his intention to place S. F. No. 3683 and H. F. No. 3034 on the Fiscal Calendar for Thursday, April 24, 2008.

## ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 9:00 a.m., Thursday, April 24, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Thursday, April 24, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives